

Steve Stein

From: Riffer, Jeffrey K. [JKR@JMBM.com]
Sent: Friday, January 04, 2008 3:49 PM
To: Steve Stein
Subject: Shapiro v. Jupiter; Objections to Ntc to Produce Docs

Steve:

We'll send you later today our Objection to Shapiro's Notice of Produce Documents. Shapiro's Notice is patently invalid -- which you would have known had you reviewed the applicable Federal Rules of Civil Procedure before serving such Notice.

Mr. Eisenberg's Declaration is supported by your Declaration -- and your actions. You admit in your Declaration that litigation by Jupiterimages was discussed in your September 27, 2007 conversation with Mr. Eisenberg and Ms. Sigel.

The next day you raced to file a check-the-boxes declaratory relief Complaint. The Complaint does not provide any facts. The Complaint does not even state what declaration Shapiro is requesting from the Court. What was your rush?

You later admitted the obvious; you told Mr. Eisenberg that you rushed to file to try to get a California forum.

Your improper use of a Notice to Produce Documents is the latest in a continuing course of wrongful conduct by you and your client.

Please dismiss the First Amended Complaint before the parties expend even more attorney fees. There is no basis for such Complaint, as you should have known from researching this issue before you filed -- and, in any event, you now know from our moving and reply papers.

Your prior failure to dismiss this lawsuit has forced Jupiterimages to incur attorney fees unnecessarily. At the appropriate time, we will seek to recover such fees.

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EXHIBIT E

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